

Agenda  
Regular Council Meeting  
Monday, July 16, 2018  
7:00 p.m.  
Council Chambers  
[www.lackawannany.gov](http://www.lackawannany.gov)

**Meeting Called to Order/Pledge of Allegiance.**

**NB: Meeting being recorded.**

**Roll Call:** Council: Noman, Schultz, Leonard, Surdyke, Iafallo  
Dept. Heads: Law, Development, Public Works, Public Safety, Comptroller, Recreation

**Hearings from Citizens:**

**Approval of Minutes:** of the regular meeting of June 18, 2018.

**Departmental Reports:**

1. **City Clerk** – Monthly Revenue Report for June, 2018.
2. **City Treasurer** – Total Receipts Deposited into the General Fund for June, 2018.
3. **City Comptroller** – A/P Check Listing #51, June 14, 2018.
4. **City Comptroller** – A/P Check Listing #52, June 21, 2018.
5. **City Comptroller** – A/P Check Listing #53, June 27, 2018.
6. **City Comptroller** – Revenue Report and Statement of Condition of Appropriations as of March 31, 2018.
7. **City Comptroller** – Revenue Report and Statement of Condition of Appropriations as of April 30, 2018.

**Communications from the Council:**

8. **Council President Iafallo** – Requests the City Attorney draft an ordinance for the July 16, 2018 meeting amending the Municipal Code of the City of Lackawanna, Chapter 5-22 A – Business of the Council; Order of Business (Agenda).
9. **Council Member Noman** – Requests the Director of Development make arrangements to demolish 76 Holland Avenue. This building is vacant and in deplorable condition.

**Communications from Department/Division Heads:**

10. **City Comptroller** – Requests the City Council approve the attached budget transfers (2 ordinances) from fund balance to the Buildings Department and City Clerk's office to cover the unexpected retirements that were not budgeted for in the 2017-2018 City Budget.
11. **City Comptroller** – Requests the City Council approve the attached budget transfer from fund balance for the Judgement and Claims account for the 2017-2018 City Budget.
12. **City Comptroller** – Requests the City Council review the attached Standard Work Day Reporting Resolution for Elected and Appointed Officials. This form is required by the New York State and Local Retirement System.
13. **City Comptroller** – Requests the City Council approve the inter-fund advance between the General Fund and the Capital Fund to pay for the Jackson Avenue, Madison Avenue and Elm Street paving project. The Capital Fund will repay the advance within the 2018-2019 fiscal year when the CDBG and CHIPS reimbursements are received.
14. **City Comptroller** – Advises the City Council of 2017-2018 Budget Transfers authorized by the Mayor pursuant to Chapter 12.12 Subdivision (C)2 of the City Charter. Attached is the list of transfers that were made to balance many of the 2017-2018 departmental accounts.
15. **City Assessor** – Requests the City Council authorize the City Clerk to advertise for a Request for Proposals (RFP) for the City of Lackawanna Equity Assessment Program.

16. **City Assessor** – Requests the City Council approve the attached Property and Maintenance/Foreclosure Proceeds Distribution Policy for 2018-2019 with the Buffalo Erie Niagara Land Improvement Corporation (B.E.N.L.I.C.). This policy will only affect properties acquired from the City of Lackawanna through foreclosure and would rehabilitate and return properties to the tax rolls. Rehabilitation would be completed by BENLIC and not City Tax Dollars.
17. **City Assessor** – Requests the City Council approve the sale of a vacant parcel on Alliance Drive to Fulvio Stampone in the amount of \$40,000.00 for the purpose of developing the site into a storage/warehouse facility. The land is approximately 4.8 Acres and is properly zoned for this type of development.
18. **Director of Development** – Requests the City Council approve the use of \$21,485.75 from the City's Fund Balance to meet our financial obligation to receive over \$2 million in grants from the State's Buffalo Billion II Downtown Revitalization Initiative Smart Growth Fund for improvements to our Central Business District corridor.
19. **Director of Recreation** – Requests the City Council approve a Resolution authorizing the Mayor to sign an application for funds (grant) from the New York State Office of Parks, Recreation and Historic Preservation or the Federal Land and Water Conservation Fund in an amount not to exceed \$470,000.00, with City matching funds of \$155,149.00. These funds will be utilized for improvements to Veterans Stadium, including a synthetic year-round skating rink, a paved, multi-use trail with fitness equipment and a large covered pavilion.
20. **City Attorney** – Requests the City Council approve an Ordinance amending Chapter 159, Noise, of the City of Lackawanna Municipal Code.

#### **Communications from Citizens:**

21. **Darrell Glover, President of L.A. Sports Club INC.** – Requests the City Council approve the use of Veterans Stadium for 3 additional weeks for our Flag Football Showcase to cover our rainout games. We request the field until August 18 from 9:00 a.m. – 1:00 p.m. An insurance policy covering the City of Lackawanna is already on file.
22. **Arc J. Petricca, Attorney at Law** – Requests the City Council approve Commissioner of Deeds status for Diane T. Petrik-Huben, an employee of my firm, residing at 4160 Thornwood Lane, Williamsville, New York 14221.

#### **Resolutions:**

A Resolution authorizing and directing the Mayor to sign an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions to Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$470,000.00, with City matching funds of \$155,149.00 in the form of cash, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Lackawanna for the Veterans Stadium Rehabilitation Project.

#### **Ordinances:**

An Ordinance amending Chapter 5, Administration of Government of the City of Lackawanna Municipal Code. City Code Chapter 5-22, (5) (6) (7) (9) (10) (11) and (12) are rescinded and replaced as follows:

5-22. Order of Business

Communications from the Mayor, Council and department/division heads, and adoption of resolutions, ordinances and local laws related to said communication are to immediately follow said communication.

An Ordinance amending the 2017-2018 Budget Ordinance adopted June 7, 2017 by increasing budget code A.1620.101 Buildings – Personal Services by \$23,000.00, and increasing budget code A.9000.90309 Employee Benefits – Social Security by \$1,725.00. The 2017-2018 Fund Balance is decreased by \$24,725.00.

An Ordinance amending the 2017-2018 Budget Ordinance adopted June 7, 2017 by increasing budget code A.1410.101 City Clerk – Personal Services by 20,450.00 and increasing budget code A.9000.9030 Employee Benefits – Social Security by \$1,530.00. The 2017-2018 Fund Balance is decreased by \$21,980.00.

An Ordinance amending the 2017-2018 Budget Ordinance adopted June 7, 2017 by increasing budget code A.1900.1930 Special Items – Judgements and Claims by \$12,500.00 and decreasing the 2017-2018 Fund Balance by \$12,500.00.

An Ordinance authorizing an inter-fund advance between the General Fund and the Capital Fund. The General Fund will advance \$200,000.00 to the Capital Fund for the paving project for Jackson Avenue, Madison Avenue and Elm Street. That the Capital Fund will repay the advance within the 2018-2019 fiscal year when the CDBG and CHIPS reimbursement is received.

An Ordinance amending the 2017-2018 Budget Ordinance adopted June 7, 2017 by increasing budget code A.3620.444 Development – Grant Matches and decreasing the 2017-2018 Fund Balance by \$21,485.75.

An Ordinance authorizing the sale/transfer of property pursuant to Municipal Code Chapter 12. Ordinance approves the transfer of 4.8 Acres of property known as Alliance Drive to Fulvio Stampone in the amount of \$40,000.00. Such transfer includes a reverter clause for phase one work to be completed within one-year.

An Ordinance amending Chapter 159, Noise:

Section 159-5 P (3) – The restrictions set forth in this section shall not apply to the Bethlehem Redevelopment Area (BRA).

Section 159-5 Q – It shall be unlawful for any person to operate or permit to be operated any stationary noise source in the Bethlehem Redevelopment Area in such a manner as to create a sound pressure level in dBA's which exceeds the limits set forth below when measured at the property boundary.

Sound Source Land Use Category	Maximum Permissible Sound Level dBA's by Receiving Land Use
Medium Industrial Classification	95
Heavy Industrial Classification	110

**Tabled Items:**

**Adjournment:**

Persons wishing to speak before the Council shall register at the table, providing their name, address, phone number and the subject they wish to address. Comments should be limited to three (3) minutes on agenda items only and questions should be directed to the presiding officer. To place an item on the agenda, persons shall submit their correspondence in letter form, **signed**, and forwarded to the City Clerk, via certified mail or in person, before 12:00 noon on the Wednesday before the scheduled Council meeting. The Council has final approval of all agenda items.

**PLEASE TURN OFF YOUR CELLPHONES AND GENTLEMEN REMOVE YOUR HATS.**